IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2837 of 2002

DATED: 16.02.2006

Between:

K.Anantha Laxmi petitioner

And

Andhra Pradesh State Road Transport Corporation

Rep by its Vice Chairman and Managing Director,

Musheerabad, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 2837 OF 2002

ORAL ORDER:

The present writ petition is filed seeking a direction to the second respondent to settle the terminal benefits of petitioner's husband and to consider her case for employment under Bread Winner Scheme.

The petitioner's husband while working as Conductor in the respondent corporation died in harness on 18.10.1991, leaving behind the petitioner herein and minor children. The petitioner made an application for settlement of retrial benefits of her

husband and to provide employment to her on 4.11.1991 to the Depot Manager, Razole Depot and since no action was taken the petitioner submitted another representation dated 18.4.1993 to the Regional Manager, Vizianagaram Region. However, there was no response from the respondents, hence the present writ petition.

The writ petition was admitted on 14.2.2002 and thereafter interim orders were granted in W.P.M.P. No.3423 of 2002 dated 11.3.2002 directing the second respondent to consider and pass appropriate orders on the petitioner's representation dated 4.11.1991.

The corporation filed a vacate stay petition in W.V.M.P.No.1900 of 2002 together with a counter affidavit on behalf of the respondents stating that no record is available with the respondent corporation that petitioner's husband died on 12.10.1991 due to ill-health. It is stated that the petitioner was placed under suspension on 4.2.1991 and after conducting detailed enquiry the suspension was raised by proceedings dt 28.9.1991 and he was posted to Razole depot vide proceedings dt 3.10.1991. That the petitioner did not report to duty and the Divisional Manager vide proceedings dt 26.3.1993 removed him from service for unauthorised absence. It is stated that there is no record available that the petitioner has made an application on 4.11.1991 and that a copy of the representation addressed to the Depot Manager, Gokavaram was received by the Personnel Department on 27.11.2000. However, it is stated that there is no evidence produced by the petitioner evidencing death of her husband viz., death certificate, FIR copy of missing of her husband etc. The said vacate stay petition filed by the corporation was dismissed by order dated 8.8.2002.

Now the petitioner filed a petition in W.P.M.P. No. 34180 of 2005 seeking a direction to respondents to pay the death benefits forthwith with 18% interest for the delayed payment. Along with the said application, proceedings of the Regional Manager, East Godavari region, Rajahmundry dated 9.4.2002 were filed, whereby the petitioner was directed to contact the Manager, Gokavaram for payment of settlement dues of her husband with necessary documents.

The proceedings dated 9.4.2002 refer to the interim orders of this Court in WPMP No.3423 of 2002 in WP No. 2837 of 2002 dated 11.3.2002 and indicate that Mr.K.Venkateswara Rao, E No. 63727 –Conductor/husband of the petitioner was

removed from service vide proceedings dt 26,3,1993 and his date of superannuation was completed on 31.5.2000 and that the petitioner would be eligible for payment of settlement dues of her husband after producing necessary documents. It is specifically stated that the petitioner is not entitled for compassionate appointment under the Bread Winner Scheme.

Though the matter is listed under the “interlocutory” caption, both the counsel agreed for final disposal. Learned counsel for petitioner submitted that petitioner is now intending to produce documents required by the corporation and she may be permitted to file a fresh representation and respondents may be directed to consider the same and settle the retrial benefits expeditiously. Learned Standing counsel for respondent corporation submitted that petitioner may be directed to submit her application in terms of proceedings dt 9.4.2002 to the Depot Manager, Gokavaram depot.

Heard learned counsel for petitioner and learned Standing Counsel for respondent. With the consent of both the parties, the writ petition is taken up for final disposal.

Pursuant to the interim directions of this Court in W.P.M.P. No. 3423 of 2002 dated 11.3.2002, the respondent corporation has issued proceedings dt 9.4.2002 directing the petitioner to submit her claim before the Manager, Gokavarm depot, and now the petitioner is also intending to submit a fresh representation together with necessary documents. Hence, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following direction;

The petitioner is directed to submit a fresh representation in terms of proceedings dt 9.4.2002 to the Depot Manager, Gokavaram depot together with necessary documents in support of her claim and on filing such a representation, the Depot Manager, Gokavaram, East Godavari district is directed to consider the same and pass appropriate orders as expeditiously as possible, preferably within a period of four weeks from the date of submission of such representation.

Subject to above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

16.2.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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